THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.19693 OF 2005

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ORDER:

This Writ Petition is filed seeking a declaration that the alleged action of the 1st respondent-Executive Engineer, Nizamsagar Lift Irrigation, at Nizamabad, in encroaching upon the patta land of the petitioner bearing Sy.No.612/1/9 to an extent of Ac.5-00 guntas, situated at Jhankampally village, Yedpally Mandal, Nizamabad District, as arbitrary and illegal.

The petitioner states that he is an ex-serviceman and the land in question was assigned to him by the Government in the year 2001 and since then he has been in continuous possession and enjoyment of the same. It is alleged that in the first week of August, 2005, the 1st respondent without any notice and without initiating any proceeding under the law started excavation of a large pit in an extent of about Ac.0-19 guntas purporting to be for the construction of a water storage reservoir. In spite of repeated requests made by the petitioner, the respondents proceeded with the said work. Hence this Writ Petition.

A counter-affidavit has been filed by the 1st respondent, in which the fact that the petitioner has been assigned the land in question and he is in possession and enjoyment has not been disputed. However, it is stated that survey work has been taken up and completed in the year 2000 itself for construction of Pump Houses, Hydro Electrical/Mechanical Works, laying pipe lines for all stages of Alisagar Lift Irrigation Scheme, Nizamabad District. During the course of excavation, it was felt that acquiring more land for pump house was essential and since the same is available in Sy.No.612, Land Acquisition proceedings were initiated on 21.06.2005 and the work was started in August, 2005. Meanwhile, the petitioner and other pattedars were also informed regarding the acquisition of their land. It is further stated that after consultation with the District Collector, Revenue Divisional Officer, Mandal Revenue Officer as well as the local M.L.A., the land situated in Survey Nos.848 and 849 in Narsapur village, to an extent of Ac.4.00 and Ac.1.00 respectively, was identified for allotment to the petitioner, in exchange of the land in

Sy.No.612/1/9 of Jhankampally village, and in view of the said settlement, the writ petitioner addressed a letter dated 6.10.2005 stating that he has no objection for continuation of the work in the land in question. A copy of the said letter has been placed before this Court.

Having heard the learned counsel for both the parties, and particularly keeping in view the fact that it has already been decided by the District Collector to allot the land situated in Sy.Nos.848 and 849, to an extent of Ac.5.00 cents, in exchange of the land situated in Sy.No.612/1/9, to an extent of Ac.5.00 cents, belonging to the petitioner, I am of the opinion that no further enquiry is necessary in this Writ Petition.

Accordingly, recording the statement of the respondents that it has been decided to give the land in Sy.Nos.848 and 849 of Narsapur village, to an extent of Ac.5.00 cents to the petitioner, in exchange of the land in his occupation, which is required for purpose of constructing the pump house, the Writ Petition is disposed of with a direction to the respondents to take necessary further steps in accordance with law, and put the petitioner in possession of the land in Sy.Nos.848 and 849, to an extent of Ac.5.00 cents situated in Narsapur village, as expeditiously as possible, preferably within a period of 8 (eight) weeks from the date of receipt of this order. No costs.

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(G. ROHINI, J.)

1st December, 2005.

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THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.19693 OF 2005

1st December, 2005.

Between:

K. Ashok Kumar. .. Petitioner.

And

The Executive Engineer,

Nizamsagar Lift Irrigation at

Nizamabad and three others. .. Respondents.